

Ref

# OPINIONS AND DECLARATIONS RENDERED BY THE INTER- NATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

*Edited by*

**FRANCIS HEMMING, C.M.G., C.B.E.**

Secretary to the Commission

**VOLUME 13. Part 7. Pp. 119—130**

## **OPINION 406**

Use of the Plenary Powers to secure that the specific name  
*nigricollis* Brehm, 1831, as published in the combination  
*Podiceps nigricollis* shall be the oldest available specific  
name for the Black-necked Grebe (Class Aves)

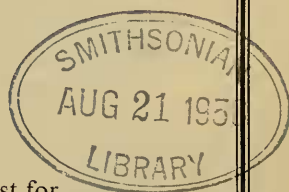
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# INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

## COMPOSITION AT THE TIME OF THE ADOPTION OF THE RULING GIVEN IN OPINION 406

### A. The Officers of the Commission

*Honorary Life President:* Dr. Karl Jordan (*British Museum (Natural History), Zoological Museum, Tring, Herts., England*)

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*President:* Professor James Chester Bradley (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953)

*Vice-President:* Senhor Dr. Afranio do Amaral (*Sao Paulo, Brazil*) (12th August 1953)

*Secretary:* Mr. Francis Hemming (*London, England*) (27th July 1948)

### B. The Members of the Commission

(Arranged in order of precedence by reference to date of election or of most recent re-election, as prescribed by the International Congress of Zoology)

Professor H. BOSCHMA (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (1st January 1947)

Senor Dr. Angel CABRERA (*Eva Peron, F.C.N.G.R., Argentina*) (27th July 1948)

Mr. Francis HEMMING (*London, England*) (27th July 1948) (*Secretary*)

Dr. Joseph PEARSON (*Tasmanian Museum, Hobart, Tasmania, Australia*) (27th July 1948)

Dr. Henning LEMCHE (*Universitetets Zoologiske Museum, Copenhagen, Denmark*) (27th July 1948)

Professor Teiso ESAKI (*Kyushu University, Fukuoka, Japan*) (17th April 1950)

Professor Pierre BONNET (*Université de Toulouse, France*) (9th June 1950)

Mr. Norman Denbigh RILEY (*British Museum (Natural History), London*) (9th June 1950)

Professor Tadeusz JACZEWSKI (*Institute of Zoology, Polish Academy of Sciences, Warsaw, Poland*) (15th June 1950)

Professor Robert MERTENS (*Natur-Museum u. Forschungs-Institut Senckenberg, Frankfurt a. M., Germany*) (5th July 1950)

Professor Erich Martin HERING (*Zoologisches Museum der Humboldt-Universität zu Berlin, Germany*) (5th July 1950)

Senhor Dr. Afranio do AMARAL (*S. Paulo, Brazil*) (12th August 1953) (*Vice-President*)

Professor J. R. DYMOND (*University of Toronto, Toronto, Canada*) (12th August 1953)

Professor J. Chester BRADLEY (*Cornell University, Ithaca, N.Y., U.S.A.*) (12th August 1953) (*President*)

Professor Harold E. VOKES (*Johns Hopkins University, Baltimore, Maryland, U.S.A.*) (12th August 1953)

Professor Béla HANKÓ (*Mezőgazdasági Múzeum, Budapest, Hungary*) (12th August 1953)

Dr. Norman R. STOLL (*Rockefeller Institute for Medical Research, New York, N.Y., U.S.A.*) (12th August 1953)

Mr. P. C. SYLVESTER-BRADLEY (*Sheffield University, Sheffield, England*) (12th August 1953)

Dr. L. B. HOLTHUIS (*Rijksmuseum van Natuurlijke Historie, Leiden, The Netherlands*) (12th August 1953)

## OPINION 406

USE OF THE PLENARY POWERS TO SECURE THAT THE SPECIFIC NAME "NIGRICOLLIS" BREHM, 1831, AS PUBLISHED IN THE COMBINATION "PODICEPS NIGRICOLLIS" SHALL BE THE OLDEST AVAILABLE SPECIFIC NAME FOR THE BLACK-NECKED GREBE (CLASS AVES)

**RULING:**—(1) Under the Plenary Powers the specific name *caspicus* Hablizl, 1783, as published in the combination *Colymbus caspicus*, is hereby suppressed for the purposes of the Law of Priority but not for those of the Law of Homonymy.

(2) The under-mentioned specific name is hereby placed on the *Official List of Specific Names in Zoology* with the Name No. 706: *nigricollis* Brehm, 1831, as published in the combination *Podiceps nigricollis*.

(3) The under-mentioned specific name is hereby placed on the *Official Index of Rejected and Invalid Specific Names in Zoology* with the Name No. 272: *caspicus* Hablizl, 1783, as published in the combination *Colymbus caspicus*, as suppressed under the Plenary Powers under (1) above.

### I.—THE STATEMENT OF THE CASE

On 19th October 1950, Colonel Richard Meinertzhagen, Chairman of the Standing Committee on Ornithological Nomenclature established by the Tenth International Ornithological Congress, Uppsala, 1950, addressed the following letter, with enclosure, to the Commission containing an application prepared by the Standing Committee for the use by the Commission of its Plenary Powers to secure that the specific name *nigricollis* Brehm, 1831, as published in the combination *Podiceps nigricollis*, shall be the oldest available specific name for the Black-necked Grebe:—

**Proposed use of the Plenary Powers to suppress the trivial name "caspicus" Hablizl, 1783, as published in the binominal combination "Colymbus caspicus" (Class Aves)**

Application submitted by the  
Standing Committee on Ornithological Nomenclature of the  
International Ornithological Congress

Covering letter, with enclosure, dated 19th October, 1950,  
from Colonel R. Meinertzhagen, Chairman of the Standing  
Committee on Ornithological Nomenclature.

As Chairman of the Standing Committee on Ornithological Nomenclature, I beg to forward to you the annexed recommendation relating to the name *Colymbus caspicus* Hablizl, 1783, for favour of decision by the International Commission on Zoological Nomenclature.

The circumstances of the present case were described in a note published by Dr. E. Stresemann, a Member of the Standing Committee, in 1948 (Stresemann, 1948, *Ibis* 90: 473—474), extracts from which are given in the Annexe to the application now submitted.

The specific action which the International Commission on Zoological Nomenclature is asked to take is that it should: (1) use its Plenary Powers to suppress the trivial name *caspicus* Hablizl, 1783, as published in the combination *Colymbus caspicus*, for the purposes of the Law of Priority but not for those of the Law of Homonymy; (2) place the trivial name *nigricollis* Brehm, 1831, as published in the combination *Podiceps nigricollis*, on the *Official List of Specific Trivial Names in Zoology*; and (3) place the trivial name *caspicus* Hablizl, 1783, as published in the combination *Colymbus caspicus*, as proposed, under (1) above, to be suppressed under the Plenary Powers, on the *Official Index of Rejected and Invalid Specific Trivial Names in Zoology*.

#### ENCLOSURE

**The trivial name comprised in the specific name "Colymbus caspicus" Hablizl, 1783, "Neue nordische Beytrage" 4: 9**

It is recommended that the above name should be made a *nomen rejectum* and that the trivial name comprised in the name currently accepted for this species, namely *Podiceps nigricollis* Brehm (C. L.), 1831, *Handb. Naturg. Vög. Deutschl.*: 963 ("Deutschland"), be made a *nomen conservandum*.

The name *Podiceps nigricollis* has been used for the Black-necked Grebe from 1831 to 1948. The circumstances of the present case have been discussed by Stresemann in a note entitled "The earliest

description of the Black-necked Grebe" published in 1948 (*Ibis* 90: 473—474), from which extracts have been made for the information of the International Commission on Zoological Nomenclature and are submitted in the Annexe to the present application.

R. MEINERTZHAGEN: *Chairman of the Standing Committee.*

E. STRESEMANN: *Zoologisches Museum der Universität, Berlin.*

JOHN T. ZIMMER: *The American Museum of Natural History, New York.*

#### ANNEXE TO APPLICATION

##### Extract from a paper entitled "The earliest description of the Black-necked Grebe" (1948, "*Ibis*," 90: 473-474)

Changes in scientific nomenclature are becoming increasingly unpopular among ornithologists, and rightly so. It is especially awkward if a name of long standing and of very frequent use has to be discarded under present rules in favour of a quite unknown one. I see, however, no way for avoiding supersession of *Podiceps nigricollis* Brehm, 1831, by *Podiceps caspicus* (Hablizl, 1783).

In his article "Bemerkungen in der persischen Landschaft Gilan und auf den Gilanischen Gebirgen in den Jahren 1773 und 1774", published in vol. 4 (1783) of Pallas's magazine "Neue Nordische Beyträge", Carl Hablizl on page 9 gave the following detailed description of a grebe which he had met by the end of November 1773 in the Bay of Enzeli, Caspian Sea, and which he proposed to call *Colymbus caspicus*: "Magnitudo Columbae domesticae, Rostrum plumbeum pollicare, Caput et reiquum corpus supra fusco nigricat. Gula et genae, lateraque colli superioris alba; collum inferius gryseum. Pectus, abdomen et venter albo-argentea. Alae complicatae ad uropygium protensae. Uropygium infimum albo-nigroque variegatum. Remiges a prima ad sectum immaculatae, fuscae, a sexta ad decimum candidae, uno latere fusco maculatae, a decima vero ad vigesimam primam usque immaculatae, candidae. Tectrices alarum fuscae. Pedes et digiti interius cinereo-virescentes, exterius fusconigricantes. Oculorum irides, ut et palpebrae, rubrae."

That this bird was undoubtedly a Black-necked, and not a Slavonian, Grebe (in the synonymy of which the name *Colymbus caspicus* had been sunk by all previous authors, Ogilvie-Grant and Hartert), is proved by the colour of the inner primaries, which are always entirely dark in *P. auritus*, not partially white (candidae, uno latere fusco-maculatae).



## II.—THE SUBSEQUENT HISTORY OF THE CASE

**2. Registration of the present application:** Following the receipt of Colonel Meinertzhagen's letter the question of the use of the Plenary Powers to preserve the name *nigricollis* Brehm for the Black-necked Grebe was allotted the Registered Number Z.N.(S.) 525.

**3. Publication of the present application:** The present application was sent to the printer on 30th January 1952 and was published on 15th October of the same year (Meinertzhagen (Application by Standing Committee on Ornithological Nomenclature), 1952, *Bull. zool. Nomencl.* **9**: 30—31).

**4. Issue of Public Notices:** Under the revised procedure prescribed by the Thirteenth International Congress of Zoology, Paris, 1948 (1950, *Bull. zool. Nomencl.* **4**: 51—56), Public Notice of the possible use by the International Commission on Zoological Nomenclature of its Plenary Powers in the present case was given on 15th October 1952 (a) in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature* (the Part in which the application by the Standing Committee on Ornithological Nomenclature was published), (b) to, the other prescribed serial publications and (c) to certain general zoological serials. In addition, such Notice was given also to fourteen serial publications or institutions specially concerned with ornithology. The names of the serials and institutions in question have been given in the *Opinion*, (*Opinion* 401)<sup>1</sup> relating to the generic name *Colymbus* Linnaeus, the *Opinion* in which the Commission dealt with the first of the series of applications submitted by the Standing Committee on Ornithological Nomenclature.

**5. Comments of a general character:** The issue of the Public Notices specified above elicited thirty-seven comments of a general character relating to the cases of ornithological nomenclature published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. These comments came from ornithological institutions, groups of ornithologists and individual specialists. Of these comments, the authors of thirty-six gave

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<sup>1</sup> *Opinion* 401 has been published as Part 1 of the present volume.

general support to the applications published in the foregoing Triple-Part. The single remaining comment was from a specialist who was opposed to any use of the Commission's Plenary Powers. The communications so received have been reproduced in the Appendix annexed to *Opinion* 401 (*Colymbus*)<sup>2</sup>, those supporting the applications referred to above being given in Part 1, the single comment in opposition to the above applications being given in Part 2.

**6. Comments directly related to the present application:** Three comments directly related to the present application were received. Of these one, a joint communication from Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and five other United States specialists was in support of the present application. The two other letters raised objection to the action proposed. These were from (1) M. Noël Mayaud (*Faculté des Sciences de Paris, Laboratoire d'Evolution des Etres Organisés*) and (2) Captain C. H. B. Grant (*British Museum (Natural History), London*), with which was enclosed a statement signed by himself and five other British ornithologists. The communications so received are reproduced in the immediately following paragraphs.

**7. Support received from Dr. Josselyn Van Tyne and five other United States ornithologists:** On 18th March 1953 Dr. Josselyn Van Tyne (*Ann Arbor, Michigan, U.S.A.*) and the five under-mentioned specialists addressed a letter to the Commission in support of the present application: (a) Robert W. Storer (*Museum of Zoology, University of Michigan, Ann Arbor, Michigan, U.S.A.*); (b) Andrew J. Berger (*Ann Arbor, Michigan, U.S.A.*); (c) Olin Sewall Pettingill, Jr. (*Northfield, Minnesota, U.S.A.*); (d) Frank A. Pitelka (*Berkeley, California, U.S.A.*); (e) John Davis (*Los Angeles, California, U.S.A.*). The letter so received was as follows:—

We, the undersigned, wish to express our strong approval of proposal No. 2 (concerning *caspicus* Hablizl) published on page 3<sup>3</sup> of vol. 9 of the *Bulletin of Zoological Nomenclature*. We hope that your Commission will take favorable action on it.

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<sup>2</sup> See footnote 1 above.

<sup>3</sup> The page reference here cited is to the page in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*, where the present application appeared as proposal No. 2 in the Prescribed Plenary Powers Notice.

**8. Objection received from M. Noël Mayaud (Faculté des Sciences de Paris, Laboratoire d'Evolution des Etres Organisés):** On 17th March 1953 M. Noël Mayaud (*Faculté des Sciences de Paris, Laboratoire d'Evolution des Etres Organisés*) addressed a letter to the Commission enclosing a number of notes on proposals relating to ornithological nomenclature published in Triple-Part 1/3 of volume 9 of the *Bulletin of Zoological Nomenclature*. Among these was the following note in which M. Mayaud indicated his objection to the present application:—

(2)<sup>4</sup> Maintien de *caspicus* Hablizl, 1783 (*Colymbus*) comme antérieur à *nigricollis* C. L. Brehm, 1831, qui est synonyme.

**9. Objection received from Captain C. H. B. Grant (British Museum (Natural History), London) and five other British ornithologists:** On 2nd April 1953 Captain C. H. B. Grant (*British Museum (Natural History), London*) addressed a letter to the Commission, covering a statement signed by himself and five other British ornithologists objecting to the action proposed in the present case. The five other signatories were: (a) Dr. J. M. Harrison (*Sevenoaks, Kent*); (b) Colonel O. E. Wynne (*Fordingbridge, Hants.*); (c) Mr. R. Wagstaffe (*City of Liverpool Public Museums, Liverpool*); (d) Lieutenant-Commander C. P. Staples (*Ickenham, Middlesex*); (e) Mrs. R. P. Hall (*London*). The statement so communicated was as follows:—

#### “ *Podiceps caspicus* ” Hablizl, 1783

*Nomina conservanda* have been unacceptable in ornithology from the days of Hartert and W. L. Sclater. In the B.O.U. List Brit. Bds. p. x, 1915, the authors gave nine specific and four generic *nomina conservanda*, but state that uniformity “can only be attained by keeping to the strict law of priority”. These nine specific *nomina conservanda* have been replaced by earlier valid names in the 1923 list, since when *nomina conservanda* have been completely discarded for the reason that a *nomen conservandum* is a synonym arbitrarily adopted, despite an earlier valid name being available.

No such term is to be found in the A.O.U. Code, 1886-1908, and at the Meeting of the A.O.U. Check List Committee in Montreal in October 1951, it was stated that there was no intention to adopt any such procedures as *nomina conservanda*. It is noted that Dr. Zimmer is also of this opinion (see 1952, *Bull. zool. Nomencl.* 9: 34, 43).

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<sup>4</sup> See footnote 3 above.



W. L. Slater, Hartert, Mathews, Bates, Whistler, C. B. Ticehurst Roberts, Tucker, Glegg and Low did not accept *nomina conservanda*. Neither have the authors of the 1952 Check List Bds. Gt. Brit. & Ireland. If a *nomen conservandum* is adopted a departure has been made from the established date of 1st January 1758.

*Podiceps caspicus* (Hablizl), *Neue Nord. Beytr.* 4, p. 9, 1783: Gilan, Persia, is a valid name and is in use in recent standard works. The Members of the B.O.U. List Committee individually and in Committee thoroughly investigated this case and this name was unanimously adopted.

The Willughby Society reprints of rare works, Giebel's *Thes. Orn.*, Sherborn's *Ind. Anim.*, Neave's *Genera*, the *Zool. Record*, and other such works were carried out to bring published names to the notice of the public, so that the worker can adopt the first valid name after 1st January 1758 and ensure the avoidance of homonyms. If valid names are ignored, as the I.C.Z.N. now proposes, then the valuable work done by the above is nullified.

### III.—THE DECISION TAKEN BY THE INTERNATIONAL COMMISSION ON ZOOLOGICAL NOMENCLATURE

**10. Issue of Voting Paper V.P.(54)63:** On 14th May 1954, a Voting Paper (V.P.(54)63) was issued in which the Members of the Commission were invited to vote either for, or against, "the proposal relating to the names *nigricollis* Brehm, 1831, as published in the combination *Podiceps nigricollis*, and *caspicus* Hablizl, 1783, as published in the combination *Colymbus caspicus*, as specified in Points (1) to (3) in Colonel Meinertzhagen's covering letter on page 30 of volume 9 of the *Bulletin of Zoological Nomenclature*" [i.e. in the letter reproduced in the first paragraph of the present *Opinion*].

**11. The Prescribed Voting Period:** As the foregoing Voting Paper was issued under the Three-Month Rule, the Prescribed Voting Period closed on 14th August 1954.

**12. Particulars of the Voting on Voting Paper V.P.(54)63:** At the close of the Prescribed Voting Period, the state of the voting on Voting Paper V.P.(54)63 was as follows:—

(a) *Affirmative Votes had been given in by the following nineteen (19) Commissioners (arranged in the order in which Votes were received):*

Boschma; Holthuis; Lemche; Dymond; Hering; Vokes; Esaki; Riley; Bonnet; Jaczewski; Bradley (J.C.); Hemming; do Amaral; Pearson; Hankó; Sylvester-Bradley; Mertens; Cabrera; Stoll;

(b) *Negative Votes:*  
None;

(c) *Voting Papers not returned:*  
None.

**13. Declaration of Result of Vote:** On 17th August 1954, Mr. Hemming, Secretary to the International Commission, acting as Returning Officer for the Vote taken on Voting Paper V.P.(54)63, signed a Certificate that the Votes cast were as set out in paragraph 12 above and declaring that the proposal submitted in the foregoing Voting Paper had been duly adopted and that the decision so taken was the decision of the International Commission in the matter aforesaid.

**14. Preparation of the Ruling given in the present “Opinion”:** On 5th October 1955 Mr. Hemming prepared the Ruling given in the present *Opinion* and at the same time signed a Certificate that the terms of that Ruling were in complete accord with those of the proposal approved by the International Commission in its Vote on Voting Paper V.P.(54)63.

**15. Original References:** The following are the original references for the names placed on *Official Lists* and *Official Indexes* by the Ruling given in the present *Opinion*:—

*caspicus*, *Colymbus*, Hablitzl, 1783, in Pallas, *Neue nordisch. Beyträge* 4: 9

*nigricollis*, *Colymbus*, Brehm, 1831, *Handb. Naturg. Vög. Deutschl.*: 963

16. At the time of the submission of the present application the name applicable to the second portion of a binomen was "trivial name". This was altered to "specific name" by the Fourteenth International Congress of Zoology, Copenhagen, 1953, which at the same time made corresponding changes in the titles of the *Official List* and *Official Index* of names of this category. These changes in terminology have been incorporated in the Ruling given in the present *Opinion*.

17. The prescribed procedures were duly complied with by the International Commission on Zoological Nomenclature in dealing with the present case, and the present *Opinion* is accordingly hereby rendered in the name of the said International Commission by the under-signed Francis Hemming, Secretary to the International Commission on Zoological Nomenclature, in virtue of all and every the powers conferred upon him in that behalf.

18. The present *Opinion* shall be known as *Opinion* Four Hundred and Six (406) of the International Commission on Zoological Nomenclature.

DONE in London, this Fifth day of October, Nineteen Hundred and Fifty-Five.

*Secretary to the International Commission  
on Zoological Nomenclature*

FRANCIS HEMMING

